

REMARKS/ARGUMENTS

In the Office Action mailed November 7, 2008 (hereinafter, "Office Action"), claims 1-24, 32 and 35-36 were rejected under 35 U.S.C. § 103(a). By this amendment, claims 1, 7-8, 11, 14-15, 18, 23, 32 and 35-36 have been amended. Claims 10 and 17 have been canceled.

Applicant respectfully responds to the Office Action.

I. Claims 1-3, 7-11, 14-19, 23, 32 and 35-36 Rejected Under 35 U.S.C. § 103(a)

Claims 1-3, 7-11, 14-19, 23, 32 and 35-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over International Patent Application No. WO 01/63960 to Raith (hereinafter, "Raith") in view of U.S. Patent No. 6,507,740 to Shi (hereinafter, "Shi") in view of U.S. Patent Application Publication No. 2002/0077103 to Bonta (hereinafter, "Bonta"). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). As the Board of Patent Appeals and Interferences has recently confirmed, "obviousness requires a suggestion of all limitations in a claim." In re Wada and Murphy, Appeal 2007-3733 (citing CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003)).

Claim 1 has been amended to recite that "the optimum parameters depend on geographical characteristics of a cell coverage area in which the third transceiver is positioned." This amendment is supported by at least paragraph [0036] of Applicant's specification, which states:

The Position Database 50 may store position information of the telecommunications system coverage areas as well as the optimum handoff and system-access parameters associated with each area. When the Mobile Unit 26 enters a new region, the SBS 48 may send the associated optimum system-access and handoff parameters to the Mobile Unit 26.

This amendment is also supported by original claim 10, which stated that "the current position includes a position of a cell coverage area."

Applicant respectfully submits that none of the cited references, either alone or in combination, teach or suggest that “the optimum parameters depend on geographical characteristics of a cell coverage area in which the third transceiver is positioned,” as recited in amended claim 1.

The Office Action correctly acknowledges that “Raith ... does not explicitly describe ... optimum hand off parameters/soft hand off parameters/system hand off parameters depend upon ... geographical characteristics of an area in which the third transceiver is positioned.” (Office Action, page 4.) Thus, it logically follows that Raith also does not teach or suggest that “the optimum parameters depend on geographical characteristics of a cell coverage area in which the third transceiver is positioned,” as recited in amended claim 1.

Bonta also does not teach or suggest this claimed subject matter. The Office Action asserts that “Bonta ... teaches ... optimum system hand off parameters depend upon ... geographical characteristics of an area in which the third transceiver is positioned.” (Office Action, page 4.) Even assuming for the sake of argument that this assertion is correct, Bonta still does not teach or suggest all of the subject matter of amended claim 1. In particular, Bonta does not teach or suggest that “the optimum parameters depend on geographical characteristics of a cell coverage area in which the third transceiver is positioned,” as recited in amended claim 1.

In fact, Bonta teaches away from the claimed subject matter at issue. Bonta describes a method that involves “applying a reference frame, such as a grid, to the coverage area of the communications system.” Bonta states that the “reference frame” is “appl[ied] ... independently of the transceivers” (i.e., base stations). (Bonta, paragraph [0016]; emphasis added.) Bonta also states that “[w]hen a mobile station is located as being within one of the regions defined by the reference frame, the mobile station is provided with the system control parameters optimized for that region.” (*Id.*) Thus, Bonta describes associating system control parameters with different locations within a grid, but these locations are independent of the base stations within the system. Thus, Bonta teaches away from the subject matter of amended claim 1, which recites that “the optimum parameters depend on geographical characteristics of a cell coverage area in which the third transceiver is positioned.” A “cell coverage area,” as recited in amended claim 1, is clearly not a location that is independent of the base station transceivers, as described by Bonta.

The Office Action also refers to paragraph [0017] of Bonta. (Office Action, page 4.) This part of Bonta describes “a method of assigning an optimum system control parameter to a mobile station.” However, once again Bonta teaches away from the claimed subject matter at issue. In particular, Bonta states that “[t]he coverage area of the communications system is divided into defined geographic regions irrespective of the locations of the transceivers.” (Bonta, paragraph [0017]; emphasis added.) Bonta also states that when a “mobile is located as being within a first region,” it is “provided with the ... system control parameter assigned to the first region.” (Id.) However, this teaches away from the claimed subject matter at issue, because Bonta teaches that the locations with which the parameters are associated should be chosen “irrespective of the locations of the transceivers,” whereas amended claim 1 requires that “the optimum parameters depend on geographical characteristics of a cell coverage area in which the third transceiver is positioned.” As indicated above, a “cell coverage area,” as recited in amended claim 1, is clearly not a location that is chosen “irrespective of the locations of the [base station] transceivers,” as described by Bonta.

The Office Action also refers to paragraph [0025] of Bonta. (Office Action, page 4.) This part of Bonta describes “assign[ing] a reference frame such as a grid 14,” where “grid elements 16-20 are applied independent of the locations of [base station] transceivers 11a-11g.” (Bonta, paragraph [0025]; emphasis added.) Bonta further states that “[e]ach grid element 16-20 is assigned a code wherein each code corresponds to a unique neighbor list.” Bonta also states that a “neighbor list is optimized for grid element 17 to include only neighbors VI and VII rather than being tied to serving cell I.” (Id.; emphasis added.) Thus, once again Bonta teaches away from the claimed subject matter at issue. Bonta indicates that instead of “being tied to [a] serving cell,” the neighbor list should be associated with a “grid” that is “independent of the locations of [base station] transceivers 11a-11g.” This is just the opposite of amended claim 1, which recites that “the optimum parameters depend on geographical characteristics of a cell coverage area in which the third transceiver is positioned.” A “cell coverage area,” as recited in amended claim 1, is clearly not a location that is “independent of the locations of [base station] transceivers,” as required by Bonta.

The Office Action also refers to paragraph [0026] of Bonta. (Office Action, page 4.) This part of Bonta describes determining the “neighbor list for each grid element 16-20 ... based on pilot measurements that exceed an add-threshold level.” Bonta also gives examples of the

“add-threshold level,” stating that it “may be for example, a T_ADD threshold,” which is “a handoff threshold measurement used in CDMA.” (Bonta, paragraph [0026].) However, paragraph [0026] of Bonta does not teach or suggest the claimed subject matter at issue, namely that “the optimum parameters depend on geographical characteristics of a cell coverage area in which the third transceiver is positioned,” as recited in amended claim 1.

The Office Action also asserts that “Raith ... teaches ... current position includes a position of cell/sector coverage area.” (Office Action, page 6.) Applicant respectfully disagrees. The Office Action refers to page 9, lines 1-13 of Raith. (*Id.*) This part of Raith refers to a “mobile terminal 20” being able “to determine its current location based on positioning signals transmitted by an earth-orbiting satellite transmitter or terrestrial-based transmitter.” As an example, Raith refers to a “Global Positioning System (GPS) receiver.” The cited part of Raith also mentions “processed position data” as well as “raw position data requiring additional processing once received by the mobile communication network.” (Raith, page 9, lines 1-13.) However, Raith does not mention anything about a “cell coverage area” in which a mobile device is positioned.

The Office Action also refers to Shi in connection with subject matter that is unrelated to the claimed subject matter at issue. Applicant has reviewed Shi, and Shi does not teach or suggest the claimed subject matter at issue. Shi relates to “adapting the handoff threshold in a mobile communication system.” (Shi, abstract.) Shi describes a method that involves “evaluating the signal quality for the communication and lowering the dynamic threshold to encourage handoff if the signal quality indicator is lower than a preset quality threshold,” where the “preset quality threshold represents a minimum acceptable signal quality level.” Shi states that “[t]he dynamic threshold is raised to discourage handoff if the signal quality indicator of the communication is at or near a maximum signal quality representing a signal having few errors.” (Shi, col. 3, lines 16-30.) However, Shi does not teach or suggest anything about “parameters” that “depend on geographical characteristics of a cell coverage area,” as recited in amended claim 1.

Accordingly, the combination of Raith, Shi and Bonta does not teach or suggest that “the optimum parameters depend on geographical characteristics of a cell coverage area in which the third transceiver is positioned,” as recited in amended claim 1. Thus, Applicant respectfully

submits that claim 1 is allowable. Claims 2-3 depend from claim 1, and are therefore allowable for at least the same reasons.

Claim 7 has been amended to recite that "the optimum system-access parameters depend on geographical characteristics of a cell coverage area in which the mobile unit is positioned." This amendment is supported by at least paragraph [0036] of Applicant's specification. As discussed above, the combination of Raith, Shi and Bonta does not teach or suggest anything about "parameters" being "depend[ent]" on geographical characteristics of a cell coverage area in which the mobile unit is positioned." Thus, Applicant respectfully submits that claim 7 is allowable.

Claim 8 has been amended to recite that "the optimum soft-handoff parameters depend on geographical characteristics of a cell coverage area in which the mobile unit is positioned." This amendment is supported by at least paragraph [0036] of Applicant's specification. As discussed above, the combination of Raith, Shi and Bonta does not teach or suggest anything about "parameters" being "depend[ent]" on geographical characteristics of a cell coverage area in which the mobile unit is positioned." Thus, Applicant respectfully submits that claim 8 is allowable. Claims 9 and 11 depend from claim 8, and are therefore allowable for at least the same reasons.

Claim 14 has been amended to recite that "the optimum system-access parameters depend on geographical characteristics of a cell coverage area in which the mobile unit is positioned." This amendment is supported by at least paragraph [0036] of Applicant's specification. As discussed above, the combination of Raith, Shi and Bonta does not teach or suggest anything about "parameters" being "depend[ent]" on geographical characteristics of a cell coverage area in which the mobile unit is positioned." Thus, Applicant respectfully submits that claim 14 is allowable.

Claim 15 has been amended to recite that "the optimum soft-handoff parameters depend on geographical characteristics of a cell coverage area in which the mobile unit is positioned." This amendment is supported by at least paragraph [0036] of Applicant's specification. As discussed above, the combination of Raith, Shi and Bonta does not teach or suggest anything about "parameters" being "depend[ent]" on geographical characteristics of a cell coverage area in which the mobile unit is positioned." Thus, Applicant respectfully submits that claim 15 is allowable. Claims 16 and 18-19 depend from claim 15, and are therefore allowable for at least the same reasons.

Claims 23, 32, 35 and 36 have been amended to recite that "the optimum parameters depend on geographical characteristics of a cell coverage area in which the mobile unit is positioned." These amendments are supported by at least paragraph [0036] of Applicant's specification. As discussed above, the combination of Raith, Shi and Bonta does not teach or suggest anything about "parameters" being "depend[ent] on geographical characteristics of a cell coverage area in which the mobile unit is positioned." Thus, Applicant respectfully submits that claims 23, 32, 35 and 36 are allowable.

II. Claims 4-6, 12-13, 19-22 and 24 Rejected Under 35 U.S.C. § 103(a)

Claims 4-6, 12-13, 19-22 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Raith in view of Shi and Bonta in further view of U.S. Patent No. 6,934,546 to Corbett et al. (hereinafter, "Corbett"). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

The standard to establish a rejection under 35 U.S.C. § 103(a) is provided above.

Claims 4-6 depend from claim 1. Claim 1 recites that "the optimum parameters depend on geographical characteristics of a cell coverage area in which the third transceiver is positioned." As discussed above, the combination of Raith, Shi and Bonta does not teach or suggest this claimed subject matter.

Corbett also does not teach or suggest this claimed subject matter. The Office Action refers to Corbett in connection with subject matter that is unrelated to the claimed subject matter at issue. Applicant has reviewed Corbett, and Corbett does not teach or suggest the claimed subject matter at issue. Corbett relates generally to "limiting the application of soft handoff in situations where mobile units are stationary to increase system capacity." (Corbett, col. 3, lines 22-24.) Corbett describes a method that involves "identifying those mobile stations which are stationary or substantially stationary and either adjusting the threshold used to remove weakly received members from the active set or removing the weakest members unconditionally." (Corbett, col. 3, lines 28-32.) Corbett also describes "inform[ing]" the "mobile station ... of the applicable threshold for determining whether it is eligible for soft handoff mode." (Corbett, col. 6, lines 45-48.) However, Corbett does not teach or suggest anything about "parameters" that "depend on geographical characteristics of a cell coverage area," as recited in amended claim 1.

Accordingly, the combination of Raith, Shi, Bonta and Corbett does not teach or suggest that "the optimum parameters depend on geographical characteristics of a cell coverage area in which the third transceiver is positioned," as recited in amended claim 1, from which claims 4-6 depend. Thus, Applicant respectfully submits that claims 4-6 are allowable.

Claims 12-13 depend from claim 8. Claims 19-22 depend from claim 15. Claims 8 and 15 both recite that "the optimum soft-handoff parameters depend on geographical characteristics of a cell coverage area in which the mobile unit is positioned." As discussed above, the combination of Raith, Shi, Bonta and Corbett does not teach or suggest anything about "parameters" being "depend[ent] on geographical characteristics of a cell coverage area in which the mobile unit is positioned." Thus, Applicant respectfully submits that claims 12-13 and 19-22 are allowable.

Claim 24 depends from claim 23. Claim 23 recites that "the optimum parameters depend on geographical characteristics of a cell coverage area in which the mobile unit is positioned." As discussed above, the combination of Raith, Shi, Bonta and Corbett does not teach or suggest anything about "parameters" being "depend[ent] on geographical characteristics of a cell coverage area in which the mobile unit is positioned." Thus, Applicant respectfully submits that claim 24 is allowable.

Application No. 09/965,187
Amendment dated February 3, 2009
Reply to Office Action of November 7, 2008

CONCLUSION

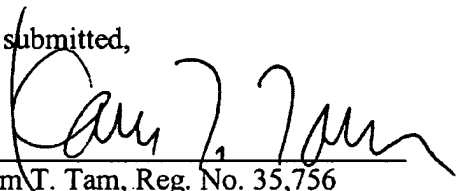
In view of the foregoing, Applicant respectfully submits that all pending claims in the present application are in a condition for allowance, which is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: February 3, 2009

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